



Arlington Conservation Commission

Date: January 20, 2022

Time: 7:30pm

Location: Conducted by Remote Participation

D. Morgan read the preamble into the record.

Attendance: Commission Members Susan Chapnick (Chair), Chuck Tirone (Vice Chair), Pam Heidell, Dave Kaplan, Nathaniel Stevens, David White, and Associate Commissioners Cathy Garnett and Doug Kilgour. Conservation Agent David Morgan. Members of the public include Josh Atkinson (Stantec), Joe Connelly (Arlington Recreation Department), Phil Lasker (Park & Recreation Commission), Leslie Mayer (Park & Recreation Commission), Joanna Meyer, Michael Ratner, Ryan Landers (McKenzie Engineering Group)

Agenda

I. Administrative

1. Water Bodies Working Group (WBWG) Updates

D. White summarized the working group's yearend report and motioned to approve the report with final edits by D. Morgan and D. White. N. Stevens seconded. A roll call vote was taken: S. Chapnick – yes, P. Heidell – yes, C. Tirone – yes, D. Kaplan – yes, N. Stevens – yes, and D. White – yes.

D. White reviewed the language of a warrant article submitted to town meeting for an appropriation. S. Chapnick noted that the WBWG fund has a balance that carries forward year-to-year and that it presently has funds in it. D. White motioned to approve the warrant article submission.

Nathaniel Stevens seconded. A roll call vote was taken: S. Chapnick – yes, P. Heidell – yes, C. Tirone – yes, D. Kaplan – yes, N. Stevens – yes, and D. White – yes.

D. White introduced the draft RFQ for management of Spy Pond and noted that there was a desire by the WBWG to extend the terms of the contract to a three-year period, renewable annually. S. Chapnick agreed. P. Heidell asked to include the actions recommended by MassWildlife's Natural Heritage & Endangered Species Program. She also asked that submission criteria be revised to include those standardly used by the Arlington Department of Planning and Community Development. D. White suggested that the commission review the RFQ at the next meeting after edits are made. S. Chapnick asked that the WBWG return to the February



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3rd, 2022 meeting with an updated draft and budget.

2. Support for Spy Pond Planting Bed Maintenance

D. Morgan shared a request from Friends of Spy Pond Park for funding in the \$4800 - \$5200 range to support invasive removal at the edge of Spy Pond, to be conducted by Parterre Ecological in 2022. The proposal includes (1) Parterre Field Technician to collaborate with Friends volunteers to prioritize restoration efforts, completing cut & dab herbicide application to shrubs/vines and treatment of knotweed. The proposal includes as many as five visits in the 2022 growing season.

S. Chapnick noted that Parterre had managed the planting beds at Spy Pond as well as invasives along the banks, and where the proposed would be conducted is unclear. D. Morgan noted that timing and staffing were also not specified. D. Kaplan agreed that more information was needed and suggested that a proposal to conduct maintenance in previously restored areas would be advantageous to one that was broader in scope. D. White flagged that the area in question is also managed by the Recreation Department and approval of the proposal should involve them. C. Garnett described that little work was done in the past year and the increase is probably justified on those grounds. She also requested that the proposal include a report of the work done at each of Parterre's visit. D. Morgan was tasked with getting a fuller proposal from Parterre.

3. Local Wetland Regulation Changes

S. Chapnick summarized the proposed changes to the vegetation replacement section of Arlington's local wetlands regulations, including the in-kind replacement requirement (adding a requirement for the planting of "straight species") and the tree replacement requirements (where dbh was chosen as the unit of measurement). P. Heidell requested adding language that allows the caliper equivalent of the dbh measurements. C. Tirone asked about the relationship between dbh and heights. C. Garnett explained that the American Nurserymen's standards list the relationship by species.

N. Stevens inquired about the public notice required for regulation changes, particularly in relation to the changes to mailing requirements discussed at the January 6th, 2022 meeting. S. Chapnick responded that the commission is still waiting for guidance from town counsel on that matter.



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4. Site visit: 88 Coolidge

D. Morgan shared details of his site visit to 88 Coolidge Road on 01/13/22 to inspect erosion controls. One extra tree had been removed at the request of an abutter. C. Tirone asked whether that tree was within the resource area, but the answer was not known at the time. D. Morgan offered to follow up with C. Tirone about the removed tree.

Other administrative items moved to end of meeting.

II. Hearings

1. Request for Certificate of Compliance: 54 Dothan Street (Continued) DEP #91-196

Documents: Buffer Zone Re-Vegetation Plan for 54 Dothan Street (2008),
Environmental Monitoring: 54 Dothan Street prepared by Mary Trudeau,
54 Dothan Street Partial Certificate of Compliance, WPA Form 8A:
Request for Certificate of Compliance (2020)

S. Chapnick described the applicant's response that the re-vegetation work was done in May of 2019, and as such three growing seasons had elapsed, in line with Certificate of Compliance requirements.

C. Tirone raised the issue of the fee for partial Certificates of Compliance (COC) and suggested that the regulations were unclear. He offered that the regulations should be revised to require full payment for a partial COC and again for the full COC. N. Stevens and S. Chapnick agreed and said the issue will be revisited when other changes to the regulations are made. D. Morgan added that the definition of a growing season should also be added in the regulations to reflect the procedure used in approving this COC.

C. Tirone motioned to approve the Certificate of Compliance for 54 Dothan Street. N. Stevens seconded. A roll call vote was taken: S. Chapnick – yes, P. Heidell – yes, C. Tirone – yes, D. Kaplan – abstained, N. Stevens – yes, and D. White – yes.

2. Notice of Intent: Hurd Field DEP #091-0337

Documents: Hurd Field Notice of Intent application package prepared by Stantec

J. Atkinson summarized the Notice of Intent for renovations to Hurd Field



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located at 0 Massachusetts Avenue and 0 Lowell Street (off Drake Road). Work is proposed to be conducted within the Riverfront Area to Mill Brook, Bordering Land Subject to Flooding (FEMA Zones AE and X, Floodway), the 100-foot Buffer Zone to Bordering Vegetated Wetlands and the Adjacent Upland Resource Areas. Renovation includes regrading and reorienting the athletic fields, upgrading field lighting, and constructing a pedestrian loop path, irrigation system, and other new amenities.

P. Heidell asked about the variance referred to in the NOI application materials. D. Morgan responded that the variance arrived late and would be submitted to commissioners during the meeting in compliance with the Open Meeting Law.

P. Heidell asked if there was a plan for use of fertilizer on the site after construction. J. Connelly said the plan would conform to the town wide approach to fertilizer use, and that he is revisiting that plan with the Department of Public Works and others in light of the Conservation Commission's past comments on the issue.

P. Heidell asked whether the lighting on site is planned to be resilient to flooding that increases in volume and frequency with climate change. D. White seconded her question. J. Atkinson said there was no additional consideration of climate change impacts but that lighting infrastructure was designed at chest height outside of the current floodplain.

D. White asked if there was a plan to deal with invasive vegetation at the edge of the field. J. Atkinson responded that there was not.

S. Chapnick asked whether the paved pathway could be relocated outside of the 25' Adjacent Upland Resource Area. J. Atkinson described the spatial limitations of the site and agreed to consider alternatives.

D. Kaplan commented that very little mitigation is offered for the project's considerable impacts. J. Atkinson described area as degraded land and offered the small increase in flood storage as a benefit of the project, also noting there was no planned vegetation removal to mitigate.

C. Tirone stated that the project qualified as redevelopment per 10.58(5) of the Wetlands Protection Act (WPA), citing that "At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40." He added that WPA 10.58(5)(c) specifies that "work shall not be located closer to the river than existing conditions" but that 10.58(5)(f)



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and 10.58(5)(g) provide that such work can be done if mitigated and specify conditions. He added that invasive removal or some improvement in Mill Brook itself would be acceptable ideas for mitigation, which he considers to be required.

C. Tirone requested a photometrics plan. J. Atkinson agreed to provide one.

C. Tirone inquired about the plan to grade the field. J. Atkinson shared that field would be regraded to raise the non-floodplain area by 6" and lower the floodplain/floodway area by 6", achieving a 1.5% pitch on the playing fields.

N. Stevens commented that he wasn't sure he agreed with C. Tirone's interpretation of the WPA but that it may be correct and, in any case, the local regulations (Section 25, D) specify that "A previously disturbed or previously developed 25-foot area shall be restored to a naturally vegetated state to the greatest extent practicable."

L. Mayer shared that the Park & Recreation Commission is working toward ADA compliance across all of its properties and the decision to install a loop path at Hurd Field was in keeping with that aim and consistent with town goals.

J. Meyer suggested adding a garden or swale in the 25' adjacent upland resource area where the path is proposed (on the Colonial Village side), and that the proposed path on the opposite side could be raised (or something similar done) to permit water to flow more easily when it floods there.

D. Morgan read a comment into the record submitted prior to the meeting by Elisabeth Carr-Jones.

M. Ratner requested that the applicant consider dark-sky friendly lighting (i.e., that which does not contribute to uplighting and urban light pollution) and that the color temperature of proposed lighting be considered in the same terms (as close to 2700 Kelvin as possible).

S. Chapnick summarized the requests for materials to be considered at a continued hearing:



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- Additional mitigation for redevelopment in the riverfront area and AURA (vegetation enhancement, invasive management, swales/gardens, etc.)
- Revisions to path to move it outside of the 25' AURA

C. Tirone additionally requested that the applicant summarize how they have met 10.58(5)(a)-10.58(5)(h).

C. Tirone motioned to continue the hearing to the February 3rd, 2022 meeting. D. White seconded. A roll call vote was taken: S. Chapnick – yes, P. Heidell – yes, C. Tirone – yes, D. Kaplan – yes, N. Stevens – yes, and D. White – yes.

3. Notice of Intent: Colonial Village Drive
DEP #091-0336

Documents: Colonial Village Drive Notice of Intent application package, stormwater report, and civil plan set prepared by McKenzie Engineering Group

R. Landers summarized the Notice of Intent application to reconstruct all on-site parking and access driveways and curbing, as well as installation of stormwater management systems and conduct site grading at Colonial Village Drive. All work is proposed to be conducted within the 100-foot Buffer Zone to the Inland Bank of a perennial stream that flows from the Arlington Reservoir, the 200-foot Riverfront Area associated with Mill Brook, and Bordering Land Subject to Flooding (FEMA Zone AE).

N. Stevens expressed that he was glad to see stormwater treatment units installed as part of a maintenance project.

P. Heidell inquired about stormwater infiltration and whether more could be done to minimize the amount flowing into Mill Brook.

R. Landers stated that the test pits that were dug showed insufficient room for infiltration, with groundwater present at 2' across the site. Any swales would remove parking spots, which is not within the scope of the project, and otherwise the applicant is held responsible for work in the riverfront area only to the extent practicable, which in his opinion is the stormwater treatment units.

P. Heidell clarified that the climate change section of the local bylaw



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regulations is applicable, and her questions are aimed at satisfying requirements in that section.

D. Kaplan stated he believes that this application qualifies as a redevelopment project. He requested clarification of the term "full depth" as applied to the pavement resurfacing. R. Landers explained that the job will involve regrading the parking lot entirely, and so the top course, binder course, and some portion of the sub base will be removed and the sub base redistributed to different thicknesses over the site.

D. Kaplan asked what credits the stormwater treatment units earn in terms of TSS removal. R. Landers said 30%. D. Kaplan suggested that there may be better treatment units available that are still practicable and encouraged the applicant to consider them.

D. Kaplan requested that the applicant clarify discrepancies about the sweeping schedule in the proposed O&M plan. R. Landers agreed to supply the correct information. D. Kaplan recommended the more aggressive schedule, especially if sand is used for deicing.

D. Kaplan asked about the deicing options listed in the NOI and R. Landers explained that it is a general list of all possibilities. D. Kaplan requested that they carefully consider the type and amount of deicing solution to be used. S. Chapnick reminded the applicant that there are deicing requirements as part of the Orders of Conditions issued by the commission.

C. Tirone asked what the impairment to Mill Brook was for the section in question and whether the applicant had considered how they will avoid contributing to it. S. Chapnick explained that the impairments are all evaluated in terms of bacteria and the parking lot would not be contributing in that way.

C. Tirone asked what the phrase "to the maximum extent practicable" meant in terms of this project, how that standard was met, and whether cost is the limiting factor. R. Landers explained that the standard is to at least maintain existing conditions and make improvements in stormwater conditions wherever possible. The limiting factor in terms of stormwater was space in this case.

C. Tirone asked if the stormwater treatment units could capture other pollutants and R. Landers confirmed that they can be adjusted to do so.



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P. Heidell asked if the addition of curbing would raise flood levels. R. Landers said the regrading creates more than enough space to offset that concern. P. Heidell requested that the applicant supply a table explaining the increases and compensatory space created.

P. Heidell asked whether a subsurface system could be installed at the highest elevation on site, but R. Landers said that even at that elevation the groundwater is within 2' of the surface.

D. Kaplan asked whether it would be safe to say that the new curbing along Mill Brook would not add to the elevation of the riverbank. R. Lander said that was correct and explained that the rationale for curbing there is to prevent seepage between the gaps in the bank's stone wall.

J. Mayer asked about the sandbags that have been placed along Mill Brook and whether those would be removed with this project. R. Landers stated that McKenzie considers that area part of the bank and so would not be making any changes to it.

J. Mayer asked about the flow off of Lowell Street and whether it could be addressed with permeability. S. Chapnick asked the applicant to consider this question in the same terms as other questions about permeability for a future hearing.

S. Chapnick summarized the requests to the applicant for the continued hearing:

- Consider other stormwater units with >30% TSS removal and/or retrofit the current choice with oil/water separators for additional pollutant removal
- Work with Town Engineer on the stormwater management plan
- Create a table showing fill and compensatory storage in the floodplain
- Clarify sweeping, deicing, and O&M logs, remove vegetation parts of O&M plan if swales are not being considered

N. Stevens moved to continue the hearing to the February 3rd, 2022 Conservation Commission meeting. C. Tirone seconded. A roll call vote was taken: S. Chapnick – yes, P. Heidell – yes, C. Tirone – yes, D. Kaplan – yes, N. Stevens – yes, and D. White – yes.

III. Administrative (continued)



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1. Enforcement Orders

D. Morgan described issuance of a Notice of Violation for 99 Sunnyside Avenue and a stop work order for 146 Mystic Valley Parkway. C. Tirone and P. Heidell suggested that the enforcement at 146 Mystic Valley Parkway should be an RDA rather than an NOI. D. Kaplan moved to issue a superseding enforcement order with two changes from the original: requiring filing of an RDA and allowing work to resume when proper erosion controls are in place and approved by the agent. A roll call vote was taken: S. Chapnick – yes, P. Heidell – yes, C. Tirone – yes, D. Kaplan – yes, N. Stevens – yes, and D. White – yes.

C. Garnett suggested that the agent survey Sunnyside Avenue for other violations when time permits. She had noticed many possible violations on a recent walk.

C. Garnett mentioned that there are trees adjacent to Colonial Village that are missing or damaged that were supposed to be in place from the Reservoir improvement project. She volunteered to work with D. Morgan to investigate.

C. Garnett requested that commissioners visit the Symmes conservation restriction and the Reservoir to see successful examples of reforestation efforts, to compare with what is proposed in other recent projects.

N. Stevens moved to adjourn. D. White seconded. Meeting adjourned at 10:30PM.